

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION #5

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if ~~other names~~ are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

CHEWY CANDY ANALOGUE, METHOD OF MAKING, AND COMPOSITE ICE CONFECTIONS CONTAINING SAME

and for which a patent application:

was filed in the United States on **May 9, 2001** as Application No. **09/851,694**

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

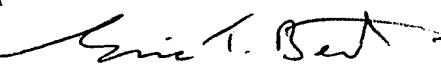
PROVISIONAL APPLICATION NUMBER	FILING DATE

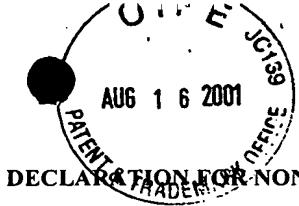
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2	FULL NAME OF INVENTOR	LAST NAME BEST	FIRST NAME Eric	MIDDLE NAME Thomas
0	RESIDENCE & CITIZENSHIP	CITY Dublin	STATE OR FOREIGN COUNTRY Ohio	COUNTRY OF CITIZENSHIP United Kingdom
1	POST OFFICE ADDRESS	STREET 6267 Wexford Woods Drive	CITY Dublin	STATE OR COUNTRY Ohio ZIP CODE 43016
	SIGNATURE OF ERIC THOMAS BEST 			DATE May 15, 2001
2	FULL NAME OF INVENTOR	LAST NAME RENATI	FIRST NAME Ronald	MIDDLE NAME Paul
0	RESIDENCE & CITIZENSHIP	CITY Dublin	STATE OR FOREIGN COUNTRY Ohio	COUNTRY OF CITIZENSHIP United States
2	POST OFFICE ADDRESS	STREET 7427 Wyndle Court	CITY Dublin	STATE OR COUNTRY Ohio ZIP CODE 43016
	SIGNATURE OF RONALD PAUL RENATI 			DATE May 15, 2001
2	FULL NAME OF INVENTOR	LAST NAME KIBLER	FIRST NAME Lawrence	MIDDLE NAME Allan
0	RESIDENCE & CITIZENSHIP	CITY Marysville	STATE OR FOREIGN COUNTRY Ohio	COUNTRY OF CITIZENSHIP United States
3	POST OFFICE ADDRESS	STREET 842 Wedgewood	CITY Marysville	STATE OR COUNTRY Ohio ZIP CODE 43040
	SIGNATURE OF LAWRENCE ALLAN KIBLER			DATE
2	FULL NAME OF INVENTOR	LAST NAME MACINNES	FIRST NAME William	MIDDLE NAME Michael
0	RESIDENCE & CITIZENSHIP	CITY Lausanne	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP United States
4	POST OFFICE ADDRESS	STREET 12 Cite Derriere	CITY Lausanne	STATE OR COUNTRY Switzerland ZIP CODE 1005
	SIGNATURE OF WILLIAM MICHAEL MACINNES			DATE
2	FULL NAME OF INVENTOR	LAST NAME RAEMY	FIRST NAME Alois	MIDDLE NAME
0	RESIDENCE & CITIZENSHIP	CITY La Tour-de-Peilz	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Switzerland
5	POST OFFICE ADDRESS	STREET 56, Ch. Crasaz	CITY La Tour-de-Peilz	STATE OR COUNTRY Switzerland ZIP CODE 1814
	SIGNATURE OF ALOIS RAEMY			DATE



WINSTON & STRAWN DOCKET NO. 88265-4032

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

As a below named inventor, I hereby declare that:

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I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

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and for which a patent application:

was filed in the United States on May 9, 2001 as Application No. 09/851,694

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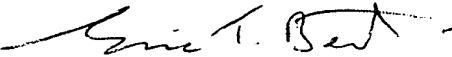
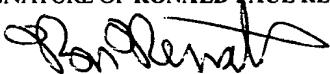
PROVISIONAL APPLICATION NUMBER	FILING DATE

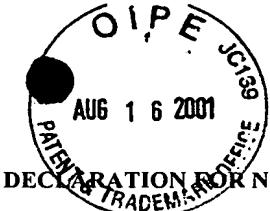
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SIGNATURE OF WILLIAM MICHAEL MACINNES				DATE
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SIGNATURE OF ALOIS RAEMY				DATE



WINSTON & STRAWN DOCKET NO. 88265-4032

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

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PROVISIONAL APPLICATION NUMBER	FILING DATE

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4	POST OFFICE ADDRESS	STREET 12 Cite Derriere	CITY Lausanne	STATE OR COUNTRY Switzerland ZIP CODE 1005
	SIGNATURE OF WILLIAM MICHAEL MACINNES <i>William Michael MacInnes</i>			DATE <i>21 May 2001</i>
2	FULL NAME OF INVENTOR	LAST NAME RAEMY	FIRST NAME Alois	MIDDLE NAME
0	RESIDENCE & CITIZENSHIP	CITY La Tour-de-Peilz	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Switzerland
5	POST OFFICE ADDRESS	STREET 56, Ch. Crusaz	CITY La Tour-de-Peilz	STATE OR COUNTRY Switzerland ZIP CODE 1814
	SIGNATURE OF ALOIS RAEMY <i>A. Raemy</i>			DATE <i>23 May 2001</i>

POWER OF ATTORNEY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The Application of: Eric Thomas BEST et al.

Application No.: 09/851,694

Group Art Unit:

Filing Date: May 9, 2001

Examiner:

For: CHEWY CANDY ANALOGUE, METHOD
OF MAKING, AND COMPOSITE ICE
CONFECTIONS CONTAINING SAME

Attorney Docket No.: 88265-4032

POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) of WINSTON & STRAWN (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone 212-294-3311, facsimile 212-294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording and a copy is attached. The undersigned has reviewed this assignment and, to the best of his knowledge, title is in the assignee seeking to take action in this application and that he is empowered to act on its behalf.

ASSIGNEE:

NESTEC S.A.

Signature:

Date of Signature:

May 17, 2001

Typed Name:

Roman Vuille

Position/Title:

Assistant Vice President

Address:

Avenue Nestlé 55

1800 Vevey

Switzerland

COPY

ASSIGNMENT

WHEREAS, We,

Eric Thomas BEST, a citizen of the United States residing at 6267 Wexford Woods Drive, Dublin, Ohio 43016;

Ronald Paul RENATI, a citizen of the United States residing at 7427 Wyndle Court, Dublin, Ohio 43016;

Lawrence Allan KIBLER, a citizen of the United States residing at 842 Wedgewood, Marysville, Ohio 43040;

William Michael MACINNES, a citizen of the United States residing at 12 Cite Derriere, 1005 Lausanne, Switzerland; and

Alois RAEMY, a citizen of Switzerland residing at 56, Ch. Crausaz, 1814 La Tour-de-Peilz, Switzerland;

ASSIGNORS, are the inventors of the invention in **CHEWY CANDY ANALOGUE, METHOD OF MAKING, AND COMPOSITE ICE CONFECTIONS CONTAINING SAME**, for which we have executed an application for a Patent of the United States

- which is executed on even date herewith
- which is identified by Winston & Strawn Docket No. 88265-4032
- which was filed on May 9, 2001 as Application No. 09/851,694

WHEREAS, NESTEC S.A., a Swiss corporate body having a place of business at Avenue Nestlé 55, 1800 Vevey, Switzerland, FIRST ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application in the United States; and

WHEREAS, SOCIÉTÉ DES PRODUITS NESTLÉ S.A., a Swiss corporate body having a place of business at P.O. Box 353, 1800 Vevey, Switzerland, SECOND ASSIGNEE, is desirous of obtaining our entire right title and interest to file corresponding international patent applications in all other countries.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, (1) unto the said FIRST ASSIGNEE, its successors, legal representatives and assigns, our right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and (2) unto the said SECOND ASIGNEE, its successors, legal representatives and assigns our right, title and interest in to and under all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be

filed for said invention in any country or countries other than the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said FIRST or SECOND ASSIGNEE, as appropriate or its successors, legal representatives and assigns, in accordance with the terms of this instrument;

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith;

AND WE HEREBY further covenant and agree that we will communicate to the said FIRST and SECOND ASSIGNEES, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said FIRST and SECOND ASSIGNEES or, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN WITNESS WHEREOF, the undersigned inventors have affixed their signatures.

May 15, 2001
Date


Eric Thomas BEST

STATE OF OHIO)
)
COUNTY OF UNION)

On this 15th day of May, 2001, before me personally appeared **Eric Thomas BEST**, to me known and known to be to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his free act and deed.

John M. Howard
Notary Public

July 27, 2005
My Commission Expires

May 15, 2001

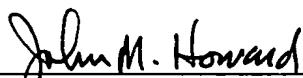
Date



Ronald Paul RENATI

STATE OF OHIO)
)
COUNTY OF UNION)

On this 15th day of May, 2001, before me personally appeared **Ronald Paul RENATI**, to me known and known to be to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his free act and deed.



Notary Public

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My Commission Expires

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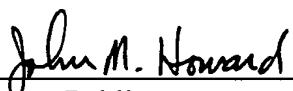
Date



Lawrence Allan KIBLER

STATE OF OHIO)
)
COUNTY OF UNION)

On this 15th day of May, 2001, before me personally appeared **Lawrence Allan KIBLER**, to me known and known to be to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his free act and deed.



Notary Public

July 27, 2005
My Commission Expires

Date

William Michael MACINNES

On this _____ day of _____, 2001, before me personally appeared **William Michael MACINNES**, to me known and known to be to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his free act and deed.

Date

Witness

Date

Alois RAEMY

On this _____ day of _____, 2001, before me appeared **Alois RAEMY**, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Date

Witness

ASSIGNMENT

WHEREAS, We,

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Ronald Paul RENATI, a citizen of the United States residing at 7427 Wyndle Court, Dublin, Ohio 43016;

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- which is executed on even date herewith
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WHEREAS, SOCIÉTÉ DES PRODUITS NESTLÉ S.A., a Swiss corporate body having a place of business at P.O. Box 353, 1800 Vevey, Switzerland, SECOND ASSIGNEE, is desirous of obtaining our entire right title and interest to file corresponding international patent applications in all other countries.

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filed for said invention in any country or countries other than the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said FIRST or SECOND ASSIGNEE, as appropriate or its successors, legal representatives and assigns, in accordance with the terms of this instrument;

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AND WE HEREBY further covenant and agree that we will communicate to the said FIRST and SECOND ASSIGNEES, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said FIRST and SECOND ASSIGNEES or, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

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STATE OF OHIO)
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Notary Public

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Ronald Paul RENATI

STATE OF OHIO)
COUNTY OF)

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Lawrence Allan KIBLER

STATE OF OHIO)
COUNTY OF)

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Notary Public

My Commission Expires

21 May 2001
Date

William Michael MacInnes
William Michael MACINNES

On this 21 day of May, 2001, before me personally appeared **William Michael MACINNES**, to me known and known to be to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his free act and deed.

21.05.2001
Date

J. Soloth
Witness

28 May 2001
Date

Alois Raemy
Alois RAEMY

On this 21 day of May, 2001, before me appeared **Alois RAEMY**, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

21.05.2001
Date

J. Soloth
Witness